

## § 148.115

(ii) The date of filing and the document number or other locator are on the cover of the document; and

(iii) Any verification or certification required for the original filing (other than from auditors or other independent persons) is dated no earlier than 30 days before the date of the application.

### **§ 148.115 How many copies of the application must I send and where must I send them?**

Send copies of the application as described in paragraphs (a) through (c).

(a) Six printed copies (and an electronic version), to the Commandant (G-MSO), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001.

(b) One copy to the U.S. Army Corps of Engineers District Office having jurisdiction over the proposed port. For the address, see <http://www.usace.army.mil/>.

(c) The Commandant (G-MSO) may require the applicant to supply additional printed copies for distribution to Federal, tribal, and state regulatory agencies involved in reviewing the application.

### **§ 148.125 What are the application fees?**

(a) The applicant must submit to the Commandant (G-M) a nonrefundable application fee of \$350,000 with each application for a license. If additional information is necessary to make an application complete, no additional application fee is required.

(b) The costs incurred by the Federal Government in processing an application will be charged to the application fee until it is exhausted. If the fee is exhausted and the Federal Government incurs further processing costs, the applicant will be charged the additional costs. Commandant (G-M) will periodically advise the applicant of the status of expenses incurred during the application process.

(c) Additional costs attributable to efforts to process a deepwater port license application will be paid by the applicant. These additional costs must be submitted to the Commandant (G-M) when they are assessed.

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(d) Application fees and additional costs assessed under this section must be made payable to the "United States Treasury."

## **Subpart C—Processing Applications**

### GENERAL

### **§ 148.200 What is the purpose of this subpart?**

This subpart prescribes the requirements for processing an application for a deepwater port license. It includes the procedures for maintaining the docket, designating adjacent coastal States, holding informal and formal public hearings, and approving or denying an application.

### **§ 148.205 How are documents related to the application maintained?**

(a) The Commandant (G-M) maintains the docket for each application.

(b) The docket contains a copy of all documents filed or issued as part of the application process.

(c) Recommendations submitted by Federal departments and agencies under 33 U.S.C. 1504(e)(2) are docketed when they are received. Copies of applicable NEPA documents prepared under 33 U.S.C. 1504(f) are docketed when they are sent to the Environmental Protection Agency.

(d) For a document designated as protected from disclosure under 33 U.S.C. 1513(b), the Commandant (G-M):

(1) Prevents the information in the document from being disclosed, unless the Commandant (G-M) states that the disclosure is not inconsistent with 33 U.S.C. 1513(b); and

(2) Keeps a record of all individuals who have a copy of the document.

### **§ 148.207 How and where can I view docketed documents?**

(a) All material in a docket under § 148.205 is available to the public for inspection and copying at Commandant (G-M) at the address under "Commandant (G-M)" in § 148.5, except for:

(1) Contracts under 33 U.S.C. 1504(c)(2)(B) for the construction or operation of a deepwater port; and

(2) Material designated under paragraph (b) of this section as a trade secret or commercial or financial information that is claimed to be privileged or confidential.

(b) A person submitting material that contains either a trade secret or commercial or financial information under paragraph (a)(2) of this section must designate those portions of the material that are privileged or confidential. Section 148.221 contains procedures for objecting to these claims.

**§ 148.209 How is the application processed?**

The Commandant (G-M) processes each application and publishes the notice of application under 33 U.S.C. 1504(c) in the FEDERAL REGISTER. Upon publication of a notice of application, the Commandant (G-M) delivers copies of the application to:

(a) Each Federal agency with jurisdiction over any aspect of ownership, construction, or operation of deepwater ports. These include the Environmental Protection Agency, the Departments of Commerce, Defense, Energy, Interior and State, and relevant State environmental and natural resources protection agencies.

(b) Each adjacent coastal State.

**§ 148.211 What must I do if I need to change my application?**

If at any time before the Secretary approves or denies an application, the information in it changes or becomes incomplete, the applicant must promptly submit the changes or additional information in the manner set forth in 148.115 of this part.

**§ 148.213 How do I withdraw my application?**

The applicant may withdraw an application at any time before the proceeding is terminated by delivering or mailing notice of withdrawal to the Commandant (G-M) for docketing.

**§ 148.215 What if a port has plans for a deep draft channel and harbor?**

If a port of a State that will be directly connected by pipeline with a proposed deepwater port has existing plans for a deep draft channel and harbor, a representative of the port may

request a determination under 33 U.S.C. 1503(d). The request must be sent, in writing, to Commandant (G-M) within 30 days after the date that the notice of application for the deepwater port is published in the FEDERAL REGISTER. The request must contain the information required in paragraphs (a) through (e) of this section.

(a) Signature of the highest official of the port submitting the request;

(b) A copy of the existing plans for the construction of a deep draft channel and harbor;

(c) Certification that the port has an active study by the Secretary of the Army for the construction of a deep draft channel and harbor or that the port has pending an application for a permit under 33 U.S.C. 403 for the construction;

(d) Any available documentation on:

(1) Initial costs (by phases, if development is staged) for the proposed on-shore project, including dredging, ship terminal, and attendant facilities;

(2) Estimated annual operating expenses (by phases, if development is staged), including labor, for 30 years for all elements of the project;

(3) Estimated time of completion of all elements of the project;

(4) Estimated volume of ship traffic and volume and variety of the tonnage;

(5) Potential traffic congestion conditions in the port and the port's capability to control vessel traffic as a result of the proposed dredging project;

(6) Estimated economic benefits of the project, including:

(i) Economic contribution to the local and regional area;

(ii) Induced industrial development;

(iii) Increased employment; and

(iv) Increases in tax revenues;

(7) Environmental and social impact of the project on elements of the local and regional community; and

(8) An estimate of the economic impact that granting a deepwater port license will have on the proposed project.

(e) A statement whether the port seeks a determination that the port best serves the national interest.